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November 9, 2000

VIA OVERNIGHT MAIL

Mary L. Cottrell, Secretary  
Department of Telecommunications & Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

Re: D.T.E. 98-57 (Phase III) - M.D.T.E. Nos. 14 and 17

Dear Ms. Cottrell:

Please accept for filing in the above-referenced proceeding, the original and two copies of the Answer of Massachusetts CLEC Alliance to Motions of Verizon Massachusetts for Partial Reconsideration, Clarification, to Defer Date of Compliance Filing and Extension of Time.

Please date-stamp the enclosed extra copy and return it in the self-addressed, stamped envelope provided. Should you have any questions, please do not hesitate to contact us.

Respectfully submitted,

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Kevin Hawley

Enclosure

cc: Cathy Carpi no, Esq., Hearing Officer

Michael Isenberg, Esq., Telecommunications Director

All Parties of Record

DEPARTMENT OF TELECOMMUNICATIONS

COMMONWEALTH OF MASSACHUSETTS

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Investigation by the Department on its own )  
Motion as to the Propriety of the Rates and ) D.T.E. 98-57  
Charges Set Forth in M.D.T.E. Nos. 14 and 17 ) (Phase III)  
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ANSWER OF MASSACHUSETTS CLEC ALLIANCE  
TO MOTIONS OF VERIZON MASSACHUSETTS FOR PARTIAL  
RECONSIDERATION, CLARIFICATION, TO DEFER DATE OF  
COMPLIANCE FILING AND EXTENSION OF TIME

In accordance with the Department's Order dated October 26, 2000, the Massachusetts CLEC Alliance ("CLEC Alliance")(1) hereby answers the motions submitted on October 19, 2000 by Verizon Massachusetts seeking, respectively, partial reconsideration of the Department's August 29, 2000 Order in Phase III of this proceeding, clarification, deferral of the date for a compliance filing and an extension of time to publish a tariff stating the terms and conditions for the plug and play option.

As explained below, the Department should deny each of Verizon's motions.

Motion for Partial Reconsideration

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In its motion for partial reconsideration, Verizon asks the Department to reconsider its decision: (1) reducing the 76 business-day collocation provisioning interval to 40 business days for collocation augments involving line sharing; (2) rejecting Verizon's proposed charges for loop qualification, engineering queries and loop conditioning (including load coil and bridged tap removal and ISDN line extenders); and (3) requiring Verizon to incorporate Covad's "plug and play" options into its proposed tariff. Verizon claims that its motion satisfies the D.T.E.'s standard whereby motions for reconsideration must "bring to light previously unknown or undisclosed facts that would have a significant impact upon the decision already rendered" or demonstrate that the D.T.E.'s treatment of an issue was the result of "mistake" or "inadvertence."

Nowhere does Verizon demonstrate any "unknown or undisclosed facts" or any "mistake" or "inadvertence" on the part of the D.T.E. in rendering its decision. First, in seeking reinstatement of its 76 day provisioning interval for collocation augments, Verizon merely summarizes the same arguments that it made at hearing and in its briefs that the necessary interval to augment existing collocation arrangements is the same as for a new collocation arrangement. Second, in seeking reconsideration of the Commission's rejection of loop qualification and conditioning charges, Verizon restates its contention that the FCC's rules entitles it to recover conditioning costs. It claims that the fiber feeder assumption underlying the loop costs determined by the D.T.E. in Phase 4 of the Consolidated Arbitration proceedings concerned voice grade loops, not DSL compatible loops. DSL compatible loops, says Verizon, necessarily consist of home run copper. Verizon states further that even with fiber loops, it must obtain loop qualification information through a mechanized data base. Again, however, Verizon presents no new arguments or evidence to support its claims. Finally, Verizon requests reconsideration of the Department's order that Verizon incorporate Covad's proposed "plug and play" collocation of DSL line cards at Verizon's remote terminals, claiming that the Department should allow Verizon to fashion its own approach to providing access to DSL electronics at RTs, without even attempting to specify such alternative approach.

### Motion for Clarification

The Department should also deny Verizon's motion to clarify the Department's determination that the 10 calendar-day interval for site survey reports established previously in Phase I of this proceeding would apply to specific collocation applications by CLECs. Instead, Verizon advocates a 10 business-day interval. Verizon claims that the FCC's Collocation Remand Order cited in the D.T.E.'s order in Phase I of this proceeding applies only to site reports, and not to the acceptance or denial of a specific CLEC application for collocation. As explained in the Department's September 29 Order, the 10 calendar-day interval for collocation augment applications comports with the record evidence regarding the necessary work to process collocation augment applications. The Department's previously approved interval for full-blown applications for grass roots collocation is thus irrelevant to the Department's decision in Phase III of this proceeding.

### Request to Defer Date for Compliance

### Filing and to Extend Judicial Appeal Period

The Department should deny Verizon's request that the Department defer the requirement that Verizon file a compliance tariff related to the 40 business-day interval for collocation augments for line sharing, pending a decision on its motion for reconsideration of that requirement. Verizon contends that a 40 business-day interval is not practicable, based on its claims during hearing that that interval is too short. In addition, Verizon contends that requiring it to publish a 40 business-day interval now could require it to perform unnecessary work should the

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Department grant its motion for reconsideration on the interval issue. However, as Verizon has failed to establish a factual or legal predicate for its request for reconsideration of the 40-day business interval, it has failed to demonstrate any likelihood of its success on the merits. Likewise, because it demonstrates no irreparable harm from the Department's September 29 Order, there is no reason to delay Verizon's obligation to comply with this interval immediately.

Pursuant to the Department's October 25, 2000, Order, the CLEC Alliance does not oppose Verizon's request the Department to extend the time period for judicial appeal pending its ruling on Verizon's request for partial reconsideration.

#### Motion for Extension of Time

Finally, Verizon requests an extension of time to develop a tariff incorporating the "plug and play" option into its tariff. While the Department allowed Verizon 30 days to file such a tariff, Verizon requests an extension of six months beyond the Department's order on its motion for extension of time. Verizon contends that such extension is necessary to allow it to develop the tariff filing, as the Company does not currently deploy line cards in DLC at RTs in Massachusetts and will have to design the service offering and technical descriptions. In addition, Verizon contends that an extension will allow it to coordinate its proposed tariff filing with the current proceeding involving the same issues initiated by the FCC in its Collocation Remand Order.

The CLEC Alliance opposes Verizon's request for an extension of time, as it would delay indefinitely any progress on the part of Verizon in developing the tariff rates, terms and conditions for the plug and play option that would enable data CLECs to provide advanced services to Massachusetts consumers. Clearly, the data CLECs stand ready to bear the time and expense of working in cooperation with Verizon in establishing just and reasonable and nondiscriminatory terms and conditions that would govern the plug and play option. A decision in the FCC's Collocation Proceeding concerning the collocation of line cards in CLEC remote terminals could be months or even as much as a year away. Absent a Department order to the contrary, Verizon would have every incentive to defer all efforts to provide expanded access by line sharing data CLECs to the fiber portion of the loop, which would in turn stall the introduction of competition to the advanced services market for small business and residential consumers.

#### CONCLUSION

For the foregoing reasons, the CLEC Alliance requests that the Department deny the motions for partial reconsideration of the Department's August 29, 2000 Order in Phase III of this proceeding, clarification deferral of the data for a compliance filing and extension of time.

Respectfully submitted

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Dated: November 9, 2000

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of November 2000, copies of the foregoing ANSWER OF MASSACHUSETTS CLEC ALLIANCE TO MOTIONS OF VERIZON MASSACHUSETTS FOR PARTIAL RECONSIDERATION, CLARIFICATION, TO DEFER DATE OF COMPLIANCE FILING AND EXTENSION OF TIME; D.T.E. 98-57 (Phase III) - M.D.T.E. Nos. 14 and 17, were sent via First Class Mail, U.S. Postage prepaid, to the parties on the attached service list.

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Sonja L. Sykes-Minor

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1. 1 The Massachusetts CLEC Alliance consists of Vtts Networks, Inc., CoreComm Massachusetts, Inc., MGC Communications, Inc. d/b/a/ Mpower Communications Corp., and Adelphi a Business Solutions Operations, Inc.